

March 27, 2020

Francis V. Kenneally, Clerk  
Supreme Judicial Court for the Commonwealth  
John Adams Courthouse  
1 Pemberton Square, Suite 1400  
Boston, MA 02108

Maura S. Doyle, Clerk  
Supreme Judicial Court for The County of Suffolk  
John Adams Court House, 1st Floor  
One Pemberton Square - Suite 1300  
Boston, MA 02108-1707

*Re: Committee for Public Counsel Services and Massachusetts Association of Criminal Defense Lawyers v. Chief Justice of the Trial Court, No. SJC-12926*

Dear Clerks Kenneally and Doyle,

As individual members of the organizations identified below who are most directly impacted by incarceration, we write to affirm that people who are incarcerated desperately want to come home to their loved ones. We also write to urge even broader relief than Petitioners request.

- ***Families for Justice as Healing*** is an organization of incarcerated and formerly incarcerated women and women with incarcerated loved ones from across Massachusetts. Our members include women who are currently incarcerated at Suffolk County House of Correction and MCI Framingham; families from the most incarcerated neighborhoods in

the Commonwealth;<sup>1</sup> and family members of people who are incarcerated at every Massachusetts Department of Correction facility and many jails.

- ***The National Council For Incarcerated and Formerly Incarcerated Women and Girls*** (“The National Council”) is a national organization representing thousands of women who are incarcerated in county jails, state prisons, and federal prisons as well as formerly incarcerated women in every state in America. The National Council is based in Roxbury, Massachusetts.
- ***Sisters Unchained*** is a Boston-based organization founded by and serving daughters with incarcerated parents. Members of Sisters Unchained have mothers and fathers who are or have been incarcerated at jails and prisons across the Commonwealth.
- ***New Beginnings Re-Entry Services*** is a community-based program that empowers and provides supportive services to formerly incarcerated women to successfully rejoin their communities. New Beginnings Re-Entry Services provides evidence-based treatment and supervision programs so that formerly incarcerated women can address their trauma, heal, and advance their lives.

Incarcerated and formerly incarcerated people are the experts in the experience of being incarcerated, reentering the community after incarceration, and addressing the root causes of incarceration with community-based solutions. Many of our loved ones have been excluded from the relief sought by Petitioners, yet still we are advocating for all those who might be released by

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<sup>1</sup> See generally Benjamin Forman et al., MassINC, *The Geography of Incarceration: The Cost and Consequences of High Incarceration Rates in Vulnerable City Neighborhoods* (2016), <https://2gaiae1lifzt2tsfgr2vil6c-wpengine.netdna-ssl.com/wp-content/uploads/2016/11/The-Geography-of-Incarceration.pdf>; see also, e.g., Benjamin Forman & Lindiwe Rennert, *The Geography of Incarceration in a Gateway City: The Cost and Consequences of High Incarceration Rate Neighborhoods in Worcester* (2017), [https://massinc.org/wp-content/uploads/2017/09/geography.crime\\_report.8.pdf](https://massinc.org/wp-content/uploads/2017/09/geography.crime_report.8.pdf).

this Court because we know that people in the Commonwealth’s prisons and jails are safer at home in our communities and will be embraced by their families and loved ones if released.

**A. Incarcerated people are members of families and communities, and we want them to come home.**

The majority of all incarcerated people are parents. In Boston, about 1 of every 20 children has a parent who has been incarcerated.<sup>2</sup> Further, based on an estimate from the Vera Institute of Justice, “Across Massachusetts, about 5,665 children [currently] have a parent in prison or jail.”<sup>3</sup> By another estimate, “[i]n Massachusetts, 69,000 children, or five percent of the state’s children, have been affected by parental incarceration at some point during their childhood.”<sup>4</sup>

Families for Justice as Healing recently coordinated a Listening Tour to conduct participatory research led by formerly incarcerated women and women with incarcerated loved ones from the most incarcerated neighborhoods in Massachusetts. We interviewed 144 women in the Boston area. 93% of the formerly incarcerated women interviewed had an incarcerated loved one. To say that people inside prison have no family support is to render women, particularly women of color, invisible.

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<sup>2</sup> Celia Harris & Kim Gilhuly, Human Impact Partners, *Keeping Kids and Parents Together: A Healthier Approach to Sentencing in Massachusetts* i, 3 (2017),

[https://humanimpact.org/wp-content/uploads/2018/10/KeepingMAKidsParentsTogetherHealthier\\_2017.09.pdf](https://humanimpact.org/wp-content/uploads/2018/10/KeepingMAKidsParentsTogetherHealthier_2017.09.pdf).

<sup>3</sup> *Id.* at 3 (citing Elizabeth Swavola et al., Vera Inst. of Justice, *Overlooked: Women and Jails in an Era of Reform* (2016), <https://www.vera.org/publications/overlooked-women-and-jails-report>).

<sup>4</sup> Victoria Law, *The Other Family Separation: Prisoners Fight to Keep Their Children*, *Prison Legal News* (Jan. 7, 2020),

<https://www.prisonlegalnews.org/news/2020/jan/7/other-family-separation-prisoners-fight-keep-their-children/>.

Our local participatory research as well as state and national studies show that the majority of people who love and care for their incarcerated loved ones are women.<sup>5</sup> Women have experienced and witnessed the ways that incarceration causes financial hardship because of sending money to sustain their incarcerated loved ones, losing family income, or both. Still, women and families affirm the need to stay connected and maintain relationships with their incarcerated loved ones. Mothers, grandmothers, aunts, siblings, wives, and girlfriends—including many of us—want incarcerated loved ones to be released and are willing and prepared to help loved ones safely and successfully return to our communities.

Families for Justice as Healing, the National Council, Sisters Unchained, and New Beginnings Re-Entry Services run regular programming attended by dozens of formerly incarcerated people and family members of incarcerated loved ones including mothers, fathers, grandparents, siblings, spouses, partners, and children. Our families regularly call, visit, and email loved ones to maintain close connection, even while we may also struggle with the exorbitant cost incurred by such communication. Massachusetts families spend an average of \$24 million dollars a year on phone calls to incarcerated loved ones.<sup>6</sup>

In the Listening Tour, Families for Justice as Healing asked women what was most important about phone communication with their loved ones, and 45% of women responded “*just hearing their voice and knowing they are okay.*”<sup>7</sup> 61% of the women Families for Justice as Healing interviewed spent more than \$40 a month, making the cost of phone calls to loved ones

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<sup>5</sup> Gina Clayton et al., Essie Justice Group, *Because She’s Powerful: The Political Isolation and Resistance of Women with Incarcerated Loved Ones* (2018), [https://www.becauseshepowerful.org/wp-content/uploads/2018/05/Essie-Justice-Group\\_Because-She-Powerful-Report.pdf](https://www.becauseshepowerful.org/wp-content/uploads/2018/05/Essie-Justice-Group_Because-She-Powerful-Report.pdf).

<sup>6</sup> Jodi Reed, *Bill filed would make prison phone calls free in Massachusetts*, WWLP (Jan. 15, 2020), <https://www.wwlp.com/news/state-politics/bill-filed-would-make-prison-phone-calls-free-in-massachusetts>.

<sup>7</sup> Families for Justice as Healing, *Reimagining Communities: Prioritizing People Not Prison* (forthcoming 2020) (on file with authors).

in jail or prison as much or more than a utility bill. Families in our networks are extremely committed to maintaining communication with incarcerated loved ones, especially during the COVID-19 crisis. These families are committed to their loved one's release and ready to welcome them home.

The Department of Correction (DOC) may inform this Court that there are incarcerated people who do not wish to leave prison because relationships with their families have naturally grown distant. We know the opposite is likely true: the DOC establishes intentional barriers that serve only to create rifts in families and isolate incarcerated people, which is directly counterproductive to rehabilitation, healing, and stability for people who are imprisoned. Families have to contend with harsh restrictions on visitation imposed by the DOC. DOC requires people to be pre-approved before they can visit their loved ones and limits the number of individuals who can visit each incarcerated person. The number of visits to incarcerated people in Massachusetts jails and prisons fell 23 percent in 2018, the first year under new DOC rules restricting how many individuals may visit any one prisoner.<sup>8</sup> The DOC visitation policy has inhibited visits, effectively punishing incarcerated people and their families for maintaining healthy, strong relationships. The policy negatively impacted families so profoundly that DOC received significant pushback from the public and Prisoners' Legal Services filed suit.<sup>9</sup> In response, DOC modified its policy slightly to increase the number of individuals who can visit people incarcerated at the maximum security prison from five to eight and allowed incarcerated people to update their visitor lists three times a year.

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<sup>8</sup> Mark Arsenault, *Visits to Mass. prisoners fall sharply under new rules*, Bos. Globe (July 10, 2019), <https://www.bostonglobe.com/metro/2019/07/10/visits-prisoners-fall-sharply-under-new-rules-critics-say-inmates-will-now-have-tougher-time-rejoining-society/gn1t2SE1bCHlhEn8Yaxo8H/story.html>.

<sup>9</sup> Bill Barton, *Massachusetts Prisoners and Visitors Challenge Restrictive Visitation Rules*, Prison Legal News (Sept. 8, 2019), <https://www.prisonlegalnews.org/news/2019/sep/8/massachusetts-prisoners-and-visitors-challenge-restrictive-visitation-rules/>.

Unsatisfied with such meager improvements, families of incarcerated loved ones have continued to organize for better visitation policy. Members of our organizations actively supported “An Act to strengthen inmate [sic] visitation”<sup>10</sup> out of the deep desire to stay connected with incarcerated loved ones. Despite all of the barriers DOC has erected to prevent incarcerated people from maintaining connections with their community, family members continue to make visiting a central part of their lives in order to sustain these relationships.

Incarcerated people, formerly incarcerated people, and our families consistently lead advocacy to improve the lives of people impacted by incarceration. In addition to strengthening visitation policy, we have recently: organized to restore the right to vote to incarcerated people;<sup>11</sup> advocated for legislation to make phone calls free for people in jails and prisons;<sup>12</sup> worked together to address incidents of brutality against people incarcerated at Souza Baranowski Correctional Center,<sup>13</sup> and most recently urged Governor Baker “to release as many people as possible from jails and prisons and stop the flow of people into jails and prisons in order to stem the spread of COVID-19.”<sup>14</sup> We do this because we love and support our people behind bars, and we know that our love and support are key to rehabilitation and helping them thrive.

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<sup>10</sup> S.B. 1379, 2019-2020 Gen. Court, 191st Sess. (Mass. 2019), <https://malegislature.gov/Bills/191/S1379>; H.B. 2047, 2019-2020 Gen. Court, 191st Sess. (Mass. 2019), <https://malegislature.gov/Bills/191/H2047>.

<sup>11</sup> Carl F. Denton & Matteo N. Wong, *Restoring the Vote in Massachusetts Prisons*, *The Crimson* (Nov. 14, 2019), <https://www.thecrimson.com/article/2019/11/14/masspower-movement>.

<sup>12</sup> Sarah Betancourt, *Families want to end prison phone call charges*, *Commonwealth Mag.* (Oct. 22, 2019), <https://commonwealthmagazine.org/criminal-justice/families-want-to-end-prison-phone-call-charges>; see also *Sustaining An Emotional Lifeline For Those Behind Bars*, *WGBH News: Greater Boston* (Oct. 21, 2019), <https://www.wgbh.org/news/local-news/2019/10/21/sustaining-an-emotional-lifeline-for-those-behind-bars>.

<sup>13</sup> Chris Lisinski, *Activists Allege Retaliation Campaign After Prison Attack*, *State House News Serv.* (Feb. 3, 2020), <https://www.statehousenews.com/?login=yes&trial=yes&path=cms/content.aspx&db=a&select=2020201>.

<sup>14</sup> Sarah Betancourt, *Corrections commissioner disavows internal memo*, *Commonwealth Mag.* (Mar. 18, 2020), <https://commonwealthmagazine.org/criminal-justice/disciplinary-actions-against-correctional-officers-halted> (“A coalition of prison advocacy groups led by Families for Justice as Healing has asked Gov. Charlie Baker to release as many people as possible from jails and prisons and stop the flow of people into jails and prisons in order to stem the spread of COVID-19. The groups say prisons aren’t currently following Baker’s March 15 emergency order that prohibits gatherings of more than 25 people.”). The letter sent to the Governor which was coordinated by the groups we represent is available here: [tinyurl.com/covid19MA](https://tinyurl.com/covid19MA).

## **B. Incarceration is not safer than community.**

We know from our incarcerated loved ones that they do not feel safe where they are as this pandemic unfolds. People incarcerated in the Commonwealth have reported to loved ones that they do not have access to free or adequate soap, sanitizing or cleaning products, or enough toilet paper.<sup>15</sup> Incarcerated people are telling family members that Sheriff Departments and the DOC have failed to implement preventative measures. The only public COVID-19 policies issued by the DOC were a ban on visitation<sup>16</sup> and a since-rescinded moratorium on disciplining and suspending guards.<sup>17</sup>

Just weeks before the COVID-19 pandemic, the DOC was sued by individual plaintiffs who are currently incarcerated, as well as the Massachusetts Association of Criminal Defense Lawyers (MACDL) and the Committee for Public Counsel Services (CPCS), for instances of brutality and wrongfully barring attorney access to people incarcerated at Souza-Baranowski as part of a weeks-long lockdown and collective punishment response to a January incident. In a decision awarding plaintiffs a preliminary injunction, Judge Beverly Cannone wrote that the DOC had “*an exaggerated response to the serious security concerns here.*”<sup>18</sup> The DOC is not a reliable messenger about the behavior of staff, conditions inside its prisons, or the experiences or needs of people who are incarcerated. In finding it likely that the DOC interfered with people’s constitutional rights by threats, intimidation, or coercion, Judge Cannone explained:

[T]he tactical team seized all property from the[ir] [] cells, including their legal material and put them in bags. While doing so, they handcuffed the [incarcerated

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<sup>15</sup> See, e.g., Jean Trounstein, *Massachusetts COVID-19 Decarceration Bill Could Protect Us All*, Dig Boston (Mar. 21, 2020), <https://digboston.com/massachusetts-covid-19-decarceration-bill-could-protect-us-all>.

<sup>16</sup> Updated: *DOC Temporarily Suspends Family and Friend Visits at Facilities Statewide*, Mass.gov (Mar. 12, 2020), <https://www.mass.gov/news/updated-doctemporarily-suspends-family-and-friend-visits-at-facilities-statewide>.

<sup>17</sup> Betancourt, *supra* note 12.

<sup>18</sup> *Larocque et al. v. Turco et al.*, Findings of Fact, Rulings of Law, and Order on Plaintiffs’ Emergency Motion for a Preliminary Injunction at 24, Suffolk Sup. Ct. No. 20-00295 (Feb. 28, 2020).

people], pointed Tasers at them, and told them that if they did not cooperate, they would be shot. Specifically, Plaintiff Silva-Prentice suffered Taser burns and several of his dreadlocks were pulled from his scalp. There was also testimony that once noncontact attorney visits resumed, Inner Perimeter Security officers were seated a few feet away . . . and could hear the conversations between the attorneys and the [incarcerated people].<sup>19</sup>

The support and communication from families like ours is what keeps incarcerated people sane while they try to survive life in an institution filled with violence, mistreatment, and inhumane conditions of confinement. The DOC and county sheriffs have abysmal track records of prioritizing the health and well-being of incarcerated people.<sup>20</sup> Community-based alternatives, especially those designed and led by formerly incarcerated people, are best equipped to properly address the needs and traumas of incarcerated people and strengthen family connections. New Beginnings Re-Entry Services is poised to open “Kimya’s House,” an eighteen-bed home for women being released from incarceration. New Beginnings is run by Stacey Borden, herself a formerly incarcerated woman and a licensed drug and alcohol counselor. Ms. Borden notes, “As a licensed mental health care professional, I am appalled at the DOC’s violation of the privacy of these individuals. To state publicly that their families don’t want them is not only cruel and untrue but adds to the stigma that burdens people who suffer from mental illness. That statement proves beyond a shadow of a doubt that the DOC is not qualified or prepared to take care of anyone during this crisis, much less those with special healthcare needs.”

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<sup>19</sup> *Id.* at 28.

<sup>20</sup> Christine Willmsen & Beth Healy, *Pain And Profits: Sheriffs Hand Off Inmate Care To Private Health Companies*, WBUR (Mar. 24, 2020), <https://www.wbur.org/investigations/2020/03/24/jail-health-companies-profit-sheriffs-watch> (“Here in the commonwealth, at the Suffolk County jail, NaphCare was sued by a man who alleged that a severe reaction to antibiotics put him in the hospital for weeks, skin peeling from his body. And at the Essex County jail, a man sued the company for failing to provide prompt care for his broken back. NaphCare settled both cases and required non-disclosure agreements.”); Christine Willmsen & Beth Healy, *Inside One Jail's Health Care Problems And 'Culture Of Impunity'*, WBUR (Mar. 25, 2020), <https://www.wbur.org/investigations/2020/03/25/essex-county-jail-sheriffs-watch> (documenting Essex County’s history of medical neglect, cover-ups of deaths in jail, and use of excessive force against people who were sick and asking for care).



### **C. Many families are ready to help their loved ones transition home from jail and prison.**

Out of the 144 women interviewed by Families for Justice as Healing during our Listening Tour, more than one out of every three women with a loved one incarcerated has either housed their loved one or helped them look for housing upon their release. Families for Justice as Healing asked women to identify the types of reentry services they received and where they received them. Only one woman who indicated she received some sort of assistance with housing said she received that help from the DOC or the Sheriff's Department. According to our participatory research, formerly incarcerated people largely received re-entry assistance from their families, as well as community-based organizations and nonprofits, which is consistent with academic research.<sup>21</sup> Some of those organizations were: Rosie's Place, Boston Healthcare for the Homeless, Richardson House, Coolidge House, and Celeste House.

When Families for Justice as Healing asked formerly incarcerated women what the most challenging things were about being incarcerated, by far the largest number of responses (29%) had to do with being away from their families. Additional concerns included mistreatment by guards, unsanitary conditions, and lack of medical attention. An overwhelming finding among formerly incarcerated women was how inhumanely women had been treated by corrections officers. In fact, when we asked a question at the end of the survey to see if women wanted to share anything that we had not asked about, many stories came out about treatment by correction officers. Here is one of the many examples documented during our Listening Tour:

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<sup>21</sup> Harvard Kennedy School Rappaport Institute for Greater Boston, Research Brief: The Boston Reentry Study: Family Support After Prison (2015), <https://scholar.harvard.edu/files/brucewestern/files/familyvfinal.pdf>; see also Bruce Western et al., *Stress and Hardship After Prison*, Working Paper (Oct. 2014), <https://scholar.harvard.edu/files/brucewestern/files/trans08.pdf>.

*“The way the COs talk to you, the way that some of the other different people you come into connection with talk to you, and degrade you, and make you feel like you’re not capable of turning it around no matter how much they say they’re there for you. When you talk to people like they’re not human, then they begin to see the “not human” side of themselves more than the other side.”*

Families for Justice as Healing collected many testimonies from women with similar experiences. Incarcerated men in our network also report abuse and degradation. These experiences reflect the reality that incarcerated people cannot trust or rely on corrections staff.

#### **D. We need immediate relief for our loved ones.**

One of the programs run by Families for Justice as Healing is Participatory Defense. Through that community, our families come together to strategize and support one another for loved ones with criminal cases. We know that since the courts issued the emergency orders, individualized bail reviews have been totally ineffective in our families’ cases. None of our families have been able to get bail reviews and our elders’ appeals are all on pause. We support this Petition because we know the only thing that has a chance of success while courts largely remain closed is some kind of mass relief through the Supreme Judicial Court’s superintendence power. That said, we also strongly believe the requested relief does not go far enough.

Our incarcerated loved ones range in age from 18 to almost 70. Ms. Elizabeth Hutchinson is 68 years old and incarcerated at MCI-Framingham where she is serving a life without parole sentence. Ms. Hutchinson suffers from serious chronic conditions which cause her debilitating pain and limit her mobility. Among these conditions are severe asthma and advanced severe osteoporosis. She also experiences neuropathy and edema. Ms. Hutchinson has to use ankle and knee braces and can only walk using crutches. Before the COVID-19 pandemic Ms. Hutchinson wrote to Families for Justice as Healing to say,

*I'm in constant pain, and they want to shackle my ankles and put me in a van to ride to the hospital, and the shackles stay on in the hospital, and for the ride back to the prison. The shackles leave bruises for weeks and the pain is much more severe. I am afraid to try to walk in shackles due to my limited mobility and being I can only walk with crutches I will fall and injure myself more severely. I have to refuse to get proper medical care and I fear due to no medical care I will be confined to a wheelchair.*

On top of the physical pain she suffers, Ms. Hutchinson struggles to breathe and needs to use her inhaler multiple times a day. Ms. Hutchinson is one of many incarcerated loved ones who were debilitated with severe health issues and inadequate healthcare before COVID-19 and are at extreme risk every day they remain incarcerated.

Even if this Court were to award the full relief requested by Petitioners, but for her asthma diagnosis, Ms. Hutchinson, an elderly woman and a threat to no one, would be left to die a premature and painful death from a rapidly spreading infectious disease because of her crime of conviction. Her debilitating physical ailments and advanced age would not enable her to any reprieve because she is serving a sentence of life without the possibility of parole for a crime against a person.<sup>22</sup> In Massachusetts, one in eight women in prison is serving a life sentence, tied with Georgia and Utah for third place in the nation, behind only Louisiana and California.<sup>23</sup> Barring relief for people serving life or virtual life sentences will disproportionately affect women, including many elderly women who would be safe to release and could return to live their twilight years in the comfort of family's loving embrace or the chosen family and community of our network of providers who serve currently and formerly incarcerated people.

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<sup>22</sup> The Petition excludes from the proposed relief “individuals who are over the age of 60 and thus at increased risk of severe COVID-19 complications and death” who are incarcerated for an offense or offenses appearing in G.L. c., § 265 (crimes against the person). Pet. at 16, ¶ 6(d).

<sup>23</sup> The Sentencing Project, Women and Girls Serving Life Sentences (2019), <https://www.sentencingproject.org/wp-content/uploads/2019/07/Women-and-Girls-Serving-Life-Sentences.pdf>.

#### **D. Impact on Community**

To conclude our letter, we would like to speak to the Court as individuals directly impacted by incarceration. Here are our reflections—stories of our loved ones. We are scared for them, and we want them to be safe and healthy. We know the best way to ensure their safety and health is to let them come home.

“I currently have a husband and nephew who are both incarcerated in two different DOC facilities. My nephew is housed at MTC where there have been confirmed cases on his unit. We fear for his health, as they are not providing the proper items to prevent the spread of the virus even after so many confirmed cases. The appropriate disinfecting measures are not being implemented frequently at either of these facilities, nevermind providing soap or sanitizer for proper hand-washing. My husband and I have a nine-year-old son who loves both his cousin and father dearly. The anxiety of knowing our loved ones are sitting ducks waiting to be infected is unbearable. They are loved, and have families willing and waiting with open arms and proper shelter for them. Ensure their safety by releasing them immediately!” - NR, Norfolk County

“My name is Dawne Young. My son Dante Starks, who by the way, is a loving father of three beautiful children, who need him home, is incarcerated at Plymouth County, for a small drug offense. Our communities need our people home with the families that are waiting with open arms for them. We reject the idea that our loved ones don’t have anywhere to go. Let my son come home. We love him. #FreeOurFamilies” - Dawne Young, Middlesex County

“Just because someone is locked up as a pre-sentenced detainee does not immediately imply that they are unloved, uncared for, or homeless and forgotten. My fiancée is currently being held at the Middleton HOC due to a high bail for a 3rd DUI. Not only is David loved and cared for but

he has a home and a job to return to and for the DOC to state that all detainees would be better served incarcerated, living in unsanitary conditions where now their health and well-being is being compromised even though they have not been convicted of a crime is surely violation of their constitutional rights because let us not forget delayed justice is denied justice and with the current status of the courts justice inevitably is not only delayed but it denies basic human rights.” - Barbara A. Jarosz, Essex County, on behalf of her loved one David Purtell in Middleton HOC

“I have visited my brother almost every Sunday for 29 years since 1991, and from 1972 to 1979 along with my younger brother who visited every week. Usually when we would visit the visiting room was packed with family members who loved their people. Also, if a little investigation was done they would find the Department of ‘Corrections’ recently changed the visiting policy to limit the amount of people who could visit, demonstrating how many people are not estranged from their families as they would like you to believe.” - Kazi Toure, Suffolk County

“My name is Pamela Starks. I am Dante Starks’s oldest aunt. I reject the idea that he has nowhere to go when he is released. He is a loving father of three beautiful children, who need him home. He is incarcerated at Plymouth County for a small drug charge by the federal government. Our community needs our people home with the families that are here for them. Let my nephew come home. We love him. #FreeOurFamilies” - Pamela Starks, Plymouth County

“Me and my entire family miss and still very much care about my little brother who is in Souza right now. As you are reading this, the DOC has not done any preventive measures to make sure this infection is being taken seriously. We do not want to be safe out here in our homes knowing that he is being neglected and is being talked about as an afterthought of who needs to be safe.

Our home is open to him and any others we can accommodate. There are entire communities across Massachusetts who still love their incarcerated loved ones, and want to do everything in their own power to make sure they are safe from this pandemic.” - Jurrell Laronal

“Please free our people! They are at great risk of COVID 19! They all have someone who immensely loves them! Further, there is a desperate need for families to be united during this crisis. Fathers who love and, without question, will protect their families. Women who would move mountains to secure their families. For far too long, we’ve kept hope alive to survive! This cannot be delayed any longer! Please free our people now! Please do not allow them to perish in prison!” - Celia Dawn, Suffolk County

“Public health experts and community members agree: incarcerated people are part of our community. Massachusetts officials must release as many people as possible. Free our loved ones, brothers, sisters, mothers, fathers, daughters, and friends in order to protect our communities during the COVID-19 pandemic. #FreeOurFamilies” - Jackie Curet

“Hello my name is Calvena D. And I would ask that Frantz Polynice be released immediately as he is being detained in the Bridgewater State Hospital/Jail which has been recently known to have some positive cases of the Covid-19 virus. I am greatly concerned with the well-being of Frantz as he is battling with mental health issues and is at risk being held in a prison with the coronavirus. Frantz has a variety of support and a treatment plan set up for him and he has been incarcerated for 4 years. I would also ask that Steven J. Gerald be immediately released from the Pondville Correctional Center (Pre-Release) as he has served most of his sentence and again this virus is spreading rapidly throughout the jails and there is word from our incarcerated loved ones that they are lacking the necessary supplies and materials needed to live safely and manage the care of themselves during this pandemic. We Love our Incarcerated Family and they are not

animals. They deserve to Live and to be Treated Like Human Beings and not just a Number or another statistic. Thank U for Your Time Cooperation and Consideration.” - Calvena D.,  
Plymouth County

“I’m worried about the well-being of my husband and that’s because the DOC has repeatedly shown that they have been unable to keep him safe time and time again. And if the state can’t take accountability and keep our loved ones safe why do they get to decide whether or not their lives matter? My husband along with 100s of other men should be home safe with their families during this pandemic. My family along with many others will welcome these men home a million times over.” - Yessenia Luiz

“My name is Terie Starks. I reject the assumption that you are making about our loved ones. My nephew Dante Starks has a huge family along with three children that miss and long for his return. You should release Dante immediately. He has a loving home that will receive him.” -  
Terie Starks, Plymouth County

“William Goforth incarcerated at MCI Norfolk has made parole and has a loving family and beautiful home to come home to. In fact he has 3 homes to go to, yet the DOC is still holding him.” - Leslie Credle, Suffolk County

“Can you please release my eligible brothers and sisters, their lives are dependent on their release!” - Wayne A. Lane, Norfolk County

“Our loved one should be released and not caged during this pandemic. I have a brother in Souza Baranowski who is over 50 years of age, his respiratory condition suffers with spasm in the bronchi of his lungs, causing difficulties for him to breath. My family and I want our brother

Tony Gaskins to be released so he can come home and be where he's supposed to be, with us.” -  
S. Alice Gaskins-Hayes, Suffolk County

“What my son has endured at the hands of DOC employees ‘just because’ has caused me to lose faith in the humanity of those in power. I am praying that someone has the courage to do what is right instead of what is profitable for themselves.” - Kayla Daniel, Suffolk County

“Incarcerated individuals are people too and deserve the same rights of protection, consideration, and opportunity to live as every other citizen. Many families are ready and able to provide support and a safe haven for their loved ones when they are provided with these rights. I am just one of them....” - Cassandra Moran, Suffolk County

“My husband is currently incarcerated at SBCC max prison where they are not cleaning or sanitizing units at such a crucial time!! During this pandemic I'm more worried about him as this seems to only get worse. The population in prison given the strength of the virus will only make it worse for him & all inmates. This early release would relieve the pressure, anxiety myself & his family have during this pandemic. Home is where he needs to be right now, where he is loved, isn't alone & supported by his family & kids. I hope that my input will be useful for all inmates & families as I'm sure we all feel the same way.” - Joa Santiago

“The roots of a family are deeply planted, always united at the core!!!” - H.McGee, Bristol County

“I have been with my husband since I was 18 years old and I will be 30 in July and out of all this time we have done together, I say we because he isn't ever alone. The only thing I can say from our experience is the Massachusetts Department of Correction is designed to destroy families.



Please don't allow people to be lost in an already broken system. Thank you.” - Mrs. Martin,  
Suffolk County

“My family members and best friends are STILL incarcerated. Every day you keep them there you are putting them more at risk. Incarceration is not safer and never has been. Now more than ever we need you to let our people come home to our communities that will never stop loving and supporting them.” - Olivia M., Norfolk County

“Good people make bad choices, please don't let it become a death sentence. The prison where my husband is incarcerated is already over capacity at 168% and the dorm he is living in is becoming more crowded every day. Please allow my husband Jeffrey Johnson to come home, he only has 6 months left with no probation or parole upon release.” - Tamara Johnson, Worcester County

“My fiancé is currently incarcerated at MTC. They were locked in on Friday morning prior to lunch without being told why and without being given a chance to notify family members. They were not allowed phone calls until days later and it has been once a day for the last few days. They were unable to shower for quite some time and were making sure to wash in a sink. The food they were being given was enough for a small child and was given cold. My fiancé was given a melted tray with food and he asked for another tray. He stated they were human, not animals and we're being treated worse than an animal. He is on a unit where they were holding the sick inmates and were not given any extra soap, hand sanitizer, etc. He told me that those who were handing out food were using the same gloves that they were opening doors with and reaching into a bag of bread handing them out. This is disgusting. My fiancé isn't in there for a violent crime. He's in there due to someone lying about their age. Though he wouldn't qualify for early release, he as well as the others are human. They have no one who will listen to their

complaints. These men do have families that love them. They have parents, wives, children and friends who want them home. At this point they are safer at home than incarcerated with the DOC. No cdc guidelines were followed and had no protocol in place. When they were allowed to make calls, phones were not being cleaned in between uses. This is not helping in managing the spread of this virus, especially with it taking sometimes 14 days to show symptoms. This is inexcusable and unacceptable. Things need to change and fast. This isn't ok. With the rate that this virus is spreading, those that are in for minimal offenses or who are already compromised should be able to go home. My fear is that this will start killing these inmates off. Please do something.” - Nancy, Bristol County

“My partner is incarcerated and suffers from asthma. I worry that this underlying condition will predispose him to complications related to COVID-19. He, and so many others, need to be released to their loved ones who will take them in with open arms and keep them and the world safe by self-isolating.” Rachel Corey, Suffolk County

“Our incarcerated loved one lives in a dangerous and humiliating environment where life is at risk every day and rehabilitation is a fantasy. Living in such close quarters, no amount of "street smarts" will protect them from the Coronavirus. Our son has asthma and a serious mental illness. We would lovingly welcome him back to #19 Rogers Way in Dennisport, MA and have plans for him to work with a local farmer. In this extraordinary time please show mercy to Alex Rosen-Schuh W109593.” V. Schuh, Barnstable County

“I would love to see my brother Anthony Davis released. He is a victim of cruel and unusual punishment. My brother should not be living in these conditions.” - Jean G. Toussaint, Suffolk County

“My son is the glue to our family and we all miss him deeply. If he is released, it will be the happiest day of our lives because we will be complete again. He doesn’t go one week without a visit from someone in our family and his friends every day that a visit is offered. We are committed to supporting him currently and when he comes home.” Dulce Sepulveda, Essex County

“To whom it may concern, I currently have a loved one that is incarcerated in the Concord County jail system and in the midst of this coronavirus. On top of dealing with the stress of worrying about my own personal safety, regarding this virus. I also worry deeply about my family member that is locked away in what could potentially be a nesting ground for the virus. Please have consideration for the safety of all human beings in this time of crisis.” - Marvin M., Middlesex County

“My King is incarcerated & he is very much loved, respected and valued. He is loved by his children , mother, father ,aunts, uncles, grandmother & many more people in the community. I myself and others in the community love and support our incarcerated family, comrades,sisters & brothers. We are in full support of the release of those elderly & sick detained people. They have a community of people in the free Cipher who are & will be there to support them when released. They are not alone, they are valued , loved, respected and in need of being home in safer conditions. PEACE.” - Earth Reflects Divinity (Shakiyla), Worcester County

“Those who are incarcerated should be released due to the underlying virus that’s spreading rapidly across the nation. . We as a family care deeply about their health, safety and well being. The release of the prisoners who are experiencing concerns regarding their health would ease the

families and loved ones hearts and minds during this time. Please consider this matter as if it were your family member.” Herobinson, Suffolk County

“Low risk offenders, elderly, medically vulnerable and incarcerated individuals with less than 6 months should have the opportunity to be released. Other inmates that do not fall under these categories should be considered to be released as well. Speaking from someone who has a loved one currently incarcerated at Souza Baranowski Correctional Center, it has been reported that there is barely any soap, no cleaning products, no hand sanitizer and they have not been educated on the virus. They suffer inhumane abuse on a daily basis and now must fight for their lives during a pandemic. Employees are in and out of the prisons all day every day. This can bring in the virus EASILY. Many people are asymptomatic so we cannot assume the incarcerated are safe at all, they are equally at risk as us on the outside living in the communities here in MA, if not MORE at risk because they do not have proper medical care like we do in our communities. These men and women are LOVED, have families and friends who would GLADLY take them in to ensure their safety. I know I would definitely help, I would have my boyfriend live with me and I absolutely would let his cellmate move in too, no questions asked! The incarcerated population deserve a chance to fight this virus too, they are humans just like everyone else. They have rights too. These rights are being violated. Their punishment is living behind bars, not to be trapped, UNPROTECTED AND NEGLECTED from a pandemic and a deadly virus currently with no cure. We should stand together as communities, as a state and as a country to protect everyone.” - Jamie R, Suffolk County

“Humans should always be treated as such, prisons in 2020 show many resemblances to concentration camps and immigration detention centers.” - Jamar Cokley

“Underlying health issues, a weakened immunity and is highly vulnerable to COVID-19. This also places other incarcerated people, correctional officers and essential staff at risk, which may also impact their micro, mezzo and macro environments. Not only is my neighbor at risk, but not releasing vulnerable incarcerated individuals may increase the risk for the broader community. Failure to take unprecedented action may result in an increased rate of disease and fatalities.” - Vanessa Silva, Suffolk County

“Many incarcerated people have loved ones who have passed but many more have loved ones waiting on their release.” - WH

“Love is here waiting for you. See you soon.” - ES, Suffolk County

“Rehabilitation not incarceration.” - Joseph Lawrence Bushfan, Suffolk County

“Prisons should not exist in their current conditions. No one should live under the conditions of American prison.” - Rafael Feliciano Cumbas, Esq., Suffolk County

“Hello good afternoon. I am writing to you the importance of having my husband released from prison as well as other men. You see this COVID-19 spreads like wildfire. My suggestion is to release the elderly and sick in the inmates that qualify for release under the juvenile law and also those that are waiting to walk out the door they have a date set. I wish we could release all of them to go home with their family. But I think the men That have served their time in above those who are sick and don't have many years left and those that have a date and I just sitting waiting for the day to come. Thank you.” - Erica F., Bristol County

“Even your worst mistake doesn't define you as a person. These PEOPLE have been locked in cells stripped of most of their rights and all they want to do is see their loved ones and the light

of day again. Think if it was you would you want to be thrown out like a dog and forgotten about, or would you want a second chance to prove people can change?" - Prince N., Suffolk County

"Please consider all inmates' health. This coronavirus is very serious and we do not know the outcome of this situation. It has to be challenging for inmates that cannot receive any visits and are limited on phone calls to ponder over this issue thank you." - Neco S Lassiter

"Support the release of our loved ones and the elderly." - Rhonda Laronal, Plymouth County

"Free the jails." - DFT, Suffolk County

"Have Mercy, this C. Virus is so deadly, spreading so affecting our family my son, an inmate in danger, along with many others whose family members are extremely concerned. We are submitting order to the Government to guarantee to us families that they have the utmost health benefits and care." - Josephine Pina U.S., Suffolk County

"I don't understand why people are so quick to Judge there are many many families that support their loved ones. Some need to stop being so heartless it's absolutely disgusting!!!!" - Theresa, Bristol County

"This moment of crisis necessitates that we recognize the humanity of incarcerated people. They are not forgotten; we love them and we need them home. In "regular" times incarcerated people in MA are not getting the medical care and hygienic products they need. Why should we expect MA DOC to use this moment to do right by our people? Not only have they have failed us, but they intentionally harm people we love. The community is here to welcome them with open arms and we're begging to be heard. Free our families!" - AK, Middlesex County

Respectfully submitted,

Andrea James

/s/ Andrea James

Joneisha James

/s/ Joneisha James

Stacey Borden

/s/ Stacey Borden

Robert Williams

/s/ Robert Williams

Suzanne Gray

/s/ Suzanne Gray

Michael Gray, Middlesex County

/s/ Michael Gray

Kathleen Mahan, Suffolk County

/s/ Kathleen Mahan

Adelcia Miller, Suffolk County

/s/ Adelcia Miller

Damaris Muhammad, Bristol County

/s/ Damaris Muhammad

Brooke Hadley

/s/ Brooke Hadley

Reyna M. Ramirez, Norfolk County

/s/ Reyna M. Ramirez

Lauren Petit, Franklin County

/s/ Lauren Petit

Khadejah Al-Rijleh, Suffolk County

/s/ Khadeja Al-Rijleh

Casandra Scarlett

/s/ Casandra Scarlett

Erika N, Middlesex County

/s/ Erika N.

Paige Scott, Norfolk County

/s/ Paige Scott



Aaron Bray

/s/ Aaron Bray

Nana Yankah, Suffolk County

/s/ Nana Yankah

Marsophia S. Ducheine, Norfolk County

/s/ Marsophia S. Ducheine

LB, Bristol County

/s/ LB

LM, Plymouth County

/s/ LM

JC

/s/ JC

Lor Holmes

/s/ Lor Holmes

JD

/s/ JD

WH

/s/ WH

KL, Suffolk County

/s/ KL

SP, Suffolk County

/s/ SP

Joan Hunter, Suffolk County

/s/ Joan Hunter

RR, Suffolk County

/s/ RR

TB, Suffolk County

/s/ TB

JG, Suffolk County

/s/ JG

Selena Williams, Suffolk County

/s/ Selena Williams

Keondra Jean, Suffolk County

/s/ Keondra Jean

JB, Suffolk County

/s/ JB

Jude Glaubman, Middlesex County

/s/ Jude Glaubman

Nicole Sadler, Suffolk County

/s/ Nicole Sadler

Mallory Hanora, Suffolk County

/s/ Mallory Hanora

Jurrell Laronal, Suffolk County

/s/ Jurrell Laronal

Annette Bartley, Suffolk County

/s/ Annette Bartley

Fernando Phillips, Suffolk County

/s/ Fernando Phillips

Miles McKinney

/s/ Miles McKinney

Carlos R

/s/ Carlos R

Ayana Aubourg

/s/ Ayana Aubourg

***Pro Se***

*as representative members of*

Families for Justice as Healing, The National Council For Incarcerated and Formerly Incarcerated Women and Girls, Sisters Unchained, and New Beginnings Re-Entry Services

**Rule 17(c)(5) certification**

*Amici curiae* individual members of Families for Justice as Healing, The National Council, Sisters Unchained, and New Beginnings Re-Entry Services declare that (a) no party or party's counsel authored the brief in whole or in part, (b) no party or party's counsel contributed money that was intended to fund preparing or submitting the brief; (c) no person or entity—other than the amici—contributed money that was intended to fund preparing or submitting the brief; and (d) amici have not represented any of the parties to the present petition in another proceeding involving similar issues, or were a party or represented a party in a proceeding or legal transaction that is at issue in the present petition.